

Notice of Allowability

Application No.

09/990,342

Examiner

Catherine S. Williams

Applicant(s)

WOLLSCHLAGER, HELMUT

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment dated 3/15/2004.
2. ☒ The allowed claim(s) is/are 1-3, 19-22, 24, 25, 43 and 44.
3. ☒ The drawings filed on 23 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/15/04; 3/29/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anthony Venturino on 5/24/2004.

The application has been amended as follows:

In the claims:

Claims 4-18, 23 and 26-42 have been cancelled.

In claim 43 line 8 after "instrument (10) and before the comma ",", --wherein the bypass section is provided as a proximal end section of the guide catheter and is positioned distal to a valve unit—has been added.

Allowable Subject Matter

Claims 1-3, 19-22, 24-25 and 43-44 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 24, the prior art fails to teach a device having a guide catheter with a hydraulic bypass section at the proximal end of the guide catheter which is distal to and connected to a valve unit, an instrument with a connected guide shaft and inserted guidewire which proximally emerges from the guide catheter at a proximal point of exit and distally emerges from a distal end of the instrument in combination with the length of the hydraulic

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bypass section having a larger cross section corresponding to at least the length of a section having the largest cross section of the instrument where the total length of the bypass section and the valve unit is greater than the distance between the distal end of the instrument and the proximal point of exit of the guidewire.

Regarding claim 43, the prior art fails to teach a method where an instrument catheter can be inserted through a guide catheter that includes the steps of positioning the instrument during a surgical procedure inside a bypass section whose hydraulic cross section is larger than a lumen cross section of the guide catheter whose length corresponds to at least the length of the instrument where the bypass section is provided as a proximal end section of the guide catheter and is positioned distal to a valve unit in combination with introducing a fluid into the guide catheter when the instrument has been positioned inside the bypass section. The closest prior art, US pat# 5,336,252, discloses a similar device and method but fails to position the bypass section at the proximal end of the guide catheter and distal to a valve unit.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine S. Williams whose telephone number is 703-308-4846. The examiner can normally be reached on Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 703-308-3552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Catherine S. Williams *CSW*.
May 24, 2004


MICHAEL J. HAYES
PRIMARY EXAMINER